



## **Fiscal Note Review for Proposed No-Wake Zone Rule 15A NCAC 10F .0323 – Burke County**

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**Impact:** State Government: Yes  
Local Government: No  
Private Impact: Minimal  
Substantial Impact: No

**Authority:** G.S. 75A-3; 75A-15

The proposed rule, 15A NCAC 10F .0323 - Burke County (APPENDIX 1) will create a no-wake zone 50 yards northwest and southeast of the Mills Creek pedestrian bridge on Mills Creek at Lake James State Park on Lake James in Burke County.

Lake James State Park applied for rulemaking to mitigate hazards to boater safety. The new pedestrian Cove bridge has fishing piers on both sides centered over the middle of the channel. The channel is narrow with high traffic during summer months and on weekends throughout the year. Anglers casting on the fishing piers create hazards for boaters passing under the bridge and visitors jump from the bridge into the channel.

The Lake James State Park will mark the no-wake zone at an estimated cost of \$716.00. Two no-wake buoys will cost \$600.00 (\$300.00 per buoy). Two technicians will spend two hours each (4 hours x \$29.00/hr<sup>1</sup> = \$116.00).

**State Impact Analysis:** Lake James State Park will purchase and place the markers at a cost of \$716.00

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<sup>1</sup> calculated using average salary and benefits of current technicians.

for materials and labor. WRC is responsible for maintenance of the no-wake markers for the Lake James State Park in Burke County. It is anticipated that the total annual cost to maintain the markers will be no more than \$200.00 and only if a marker is destroyed and must be replaced.

**Local Impact Analysis:** No local impact anticipated.

**Private Impact:** The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in the waters in the portion of Mills Creek on Lake James, within 50 yards of both sides of the pedestrian bridge.

**Substantial Economic Impact:** There will be no substantial economic impact to the public.

## APPENDIX 1

### 15A NCAC 10F .0323 BURKE COUNTY

(a) Regulated Areas. This Rule applies ~~only to the following waters or portions of waters in Burke County:~~

- (1) ~~Lake Hickory; Hickory.~~
- (2) ~~Lake James, delineated by markers consistent with Paragraph (c) of this Rule, at the following locations: Lake James at the following locations:~~
  - (A) Holiday Shores Subdivision;
  - (B) Lake James Campground;
  - (C) Laurel Pointe Subdivision;
  - (D) ~~The the~~ waters of Boyd Moore Cove shore to shore, north of a line from a point on the northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558 N, 81.82245 W;
  - (E) East Shores development;
  - (F) ~~Eastern shore of Lake James at Mallard Cove; Mallard Cove shore to shore, southwest of a point at 35.74437 N, 81.87053 W;~~
  - (G) ~~That the~~ portion of Lake James shore to shore, beginning 385 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74652 N, 81.88231 W to a point on the south shore at 35.74440 N, 81.88017 W, and ending at a line 550 yards southwest of the NC Highway 126 bridge and 50 yards south of the Canal Bridge Boating Access Area dock from a point on the northwest shore at 35.74163 N, 81.88943 W to a point on the southeast shore at 35.73869 N, 81.88652 W;
  - (H) ~~The the~~ waters within 50 yards of the end of the South Pointe Subdivision peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; ~~and~~
  - (I) ~~The the~~ waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the northeast shore of Linville Point at 35.76596 N, 81.82432 W; ~~W; and~~
  - (J) the waters of Mills Creek at Lake James State Park, shore to shore from a point 50 yards northwest of the Cove bridge at 35.76469 N, 81.87703 W to a point 50 yards southeast of the bridge at 35.76406 N, 81.87637 W.
- (3) Lake Rhodhiss.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within ~~50 yards of any designated public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on designated waters of the areas described in Paragraph (a) of this Rule. the regulated areas described in Paragraph (a) of this rule.~~

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

(d) ~~Restricted Swimming Areas. Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule. person operating or responsible for the operation of a vessel shall permit it to enter the waters of Paddy's Creek Swim Area at Lake James State Park Road in Nebo.~~

(e) ~~Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

(e) Placement of Markers. The following agencies shall be responsible for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of Burke County, for the regulated areas designated in Subparagraphs (a)(2)(A) through (I) of this Rule; and
- (2) Lake James State Park for the regulated areas designated in Subparagraph (a)(2)(J) and paragraph (d) of this Rule.

*History Note:* Authority G.S. 75A-3; 75A-15;  
Eff. July 1, 1976;  
Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;  
Temporary Amendment Eff. April 1, 1999;  
Amended Eff. July 1, 2000;  
Temporary Amendment Eff. August 15, 2001;

*Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*  
*2016;*  
*Amended Eff. November 1, 2017;*  
*Emergency Amendment Eff. November 2, 2020;*  
*Temporary Amendment Eff. December 30, 2020; Temporary Amendment Expired September 26, 2021;*  
*Amended Eff. June 1, 2022; February 1, 2021.*